

**In the Matter of:**

**DEFENDANT**

CASE NO. 96-230

Due to negotiations between the parties, this proceeding has been held in abeyance off and on for over a year. A formal hearing was scheduled several times during this period, only to be postponed or rescheduled each time. On June 11, 1997, the parties filed an Agreed Order of Continuance, which the Commission treated as a joint motion for a continuance. According to the parties, they had reached an agreement in this matter. As a result, they asked that the hearing scheduled for June 20, 1997, be continued for at least 120 days. While the Commission issued an Order June 19, 1997 that cancelled the hearing, it also directed the parties to file a written settlement

agreement within 30 days, or Ms. Clinkenbeard could, if she chose, withdraw her complaint. If neither action was taken within 30 days, according to the Commission's Order, the hearing would be rescheduled and the case would proceed accordingly.

While nothing has been filed by either party since June 11, 1997, after a review of the case file it appears to the Commission that Ms. Clinkenbeard is not interested in pursuing a Commission resolution of this matter. Each time a hearing has been scheduled, with one exception, the parties have jointly moved for a continuance or to otherwise reschedule the hearing.<sup>1</sup> Furthermore, on June 11, 1997, the parties informed the Commission that a settlement had been reached. While nothing further has been filed with the Commission, this matter would appear to have resolved itself. If such is not the case, Ms. Clinkenbeard should be given the opportunity to advise the Commission otherwise. If Ms. Clinkenbeard does not wish to pursue the matter further before the Commission, the matter will be dismissed.

IT IS THEREFORE ORDERED that Ms. Clinkenbeard shall, within 10 days from the date of this Order, advise the Commission in writing whether Nicholas Water has satisfied her complaint or whether she wishes to continue this matter. If no response is received within that time, the Commission will assume that Nicholas Water has either satisfied Ms. Clinkenbeard's complaint or that she no longer wishes to pursue the matter, and the complaint will be dismissed.

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<sup>1</sup> The hearing originally scheduled for May 30, 1997, was rescheduled on the Commission's own motion. The other three times a hearing was scheduled, it was rescheduled or postponed upon joint motions of the parties.

Done at Frankfort, Kentucky, this 23rd day of September, 1997.

PUBLIC SERVICE COMMISSION

  
For the Commission

ATTEST:

  
Executive Director